

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CASE NO. 2:06cr169-WKW
)
DEMETRIA MILLS)

UNITED STATES' RESPONSE TO PETITION FOR HEARING
TO ADJUDICATE VALIDITY OF THE INTEREST OF
TITLEMAX OF ALABAMA, INC.

The United States of America (United States), by and through
Leura G. Canary, United States Attorney, Middle District of
Alabama, and Tommie Brown Hardwick, Assistant United States
Attorney, hereby states the following:

I. Background

Demetria Mills ("the defendant") pleaded guilty to Counts 23,
28 and 31 of the indictment in criminal case number 2:06cr169-WKW.
These counts involved the use of a cellular telephone in
committing, causing and facilitating the offense set forth in Count
1 (21 U.S.C. § 846) of the indictment in violation of 21 U.S.C. §
843(b). Counts 23, 28 and 31 involved criminal activity occurring
between August 22, 2005 and September 21, 2005.

On December 19, 2007, a Preliminary Order of Forfeiture was
entered in the same criminal case forfeiting the defendant's
interest in a 2002 Chevrolet Tahoe, VIN: 1GNEC13Z52R236758. The
forfeiture was based upon the property's connection to the crime as
established in Counts 23, 28 and 31 and 21 U.S.C. § 853.

The United States served notice of this forfeiture and TitleMax of Alabama, Inc. (TitleMax) filed a petition asserting an interest in the 2002 Chevrolet Tahoe.

II. Argument

21 U.S.C. § 853(n)(6)(A) states the order of forfeiture entered in a criminal forfeiture shall be amended to reflect the interest of a petitioner who, by a preponderance of the evidence, establishes that petitioner had a vested or superior interest in the subject property at the time of the illegal act giving rise to forfeiture.

It appears that TitleMax had a secured interest in the subject vehicle beginning February 10, 2005. The illegal acts giving rise to forfeiture began on or about August 22, 2005. See Indictment. Accordingly, TitleMax is entitled to have the order of forfeiture amended to reflect their secured interest.

III. Conclusion

TitleMax's petition declares a sum of \$3,500 as due and owing under their secured interest. If said sum is the total amount sought by TitleMax under their petition, the United States will, upon approval of the Court, prepare a proposed amended order of forfeiture to reflect TitleMax's interest.

Respectfully submitted this 25th day of February, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Tommie Brown Hardwick
TOMMIE BROWN HARDWICK
Assistant United States Attorney
Bar Number: ASB4152 W86T
131 Clayton Street
Montgomery, Alabama 36104
Phone: (334) 223-7280
Fax: (334) 223-7135
E-mail: tommie.hardwick@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/Tommie Brown Hardwick
TOMMIE BROWN HARDWICK
Assistant United States Attorney